

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Backes	
Application No.: 10/781121	Group Art Unit: 2665
Filed: 2/18/2004	Conf. No. 1979
Title: Program for Selecting an Optimum Access Point in a Wireless Network	Examiner: Pham
Attorney Docket No.: 160-031	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
PURSUANT TO 37 CFR 1.181(a)

Dear Sir:

Applicant believes the status of the above-identified case is abandoned, although it is showing as “pending” in PAIR.

STATEMENT OF FACTS:

On October 18, 2006 the USPTO issued a Final Office Action. Applicant responded with an Appeal Brief filed on November 16, 2006.

On February 21, 2007, the USPTO issued a Non-Final Office Action which was never received by the applicant’s attorneys. A copy of our docket sheet dated May 14, 2007 showing items due for response on May 21, 2007 is attached to demonstrate that no docket entry was made because the Office Action had never been received.

REQUEST:

In a review of office files and PAIR, applicant's attorneys realized that the February 2007 Office Action had never been received even though a Notice of Abandonment has not yet issued. Therefore, it is requested that the attached response be entered along with this request for withdrawal of holding of abandonment.

Respectfully Submitted,

11/14/2007
Date

/Holmes W. Anderson/
Holmes W. Anderson, Reg. No. 37272
Attorney/Agent for Applicant(s)
McGuinness & Manaras LLP
125 Nagog Park
Acton, MA 01720
(978) 264-6664